

BEFORE THE JUDICIAL QUALIFICATIONS COMMISSION  
STATE OF FLORIDA

INQUIRY CONCERNING A JUDGE	:	SC03-1846
NO. 02-466, JUDGE JOHN RENKE III	:	
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**THE FLORIDA JUDICIAL QUALIFICATIONS COMMISSION'S  
MOTION FOR LEAVE TO FILE NOTICE OF AMENDED FORMAL CHARGES**

The Florida Judicial Qualifications Commission, by and through its undersigned special counsel, moves the Hearing Panel for entry of an order granting leave to file Notice of Amended Formal Charges pursuant to and in accordance with Fla. R. Civ. P. 1.190 and Rule 16 of the Florida Judicial Qualifications Commission Rules, upon the following grounds.

1. The Florida Judicial Qualifications Commission (the "JQC") filed and served upon Circuit Court Judge John Renke, III ("Judge Renke") a Notice of Investigation on March 12, 2003.
2. Judge Renke appeared (with counsel) before the Investigative Panel for a Rule 6(b) proceeding on April 11, 2003. On October 22, 2003, a Notice of Formal Charges was filed, and Judge Renke answered on December 9, 2003.
3. On July 8 2004, the JQC and Judge Renke entered into a Stipulation to resolve the original charges which provided for a \$20,000 fine, a one month suspension without pay and a public reprimand. The Stipulation was submitted to the Florida Supreme Court on April 27, 2004.

4. On July 8, 2004, the Florida Supreme Court “determined that the interests of justice require that the recommended disposition be rejected and this matter be returned “to the JQC” for further proceedings on the merits of the issues of misconduct as well as the appropriate discipline,” and returned this matter “to the commission for further proceedings in accord herewith.”

5. Following the Florida Supreme Court rejection of the Stipulation, the JQC recommenced its investigation and began conducting discovery. As a result of additional investigation and discovery, including deposing Judge Renke, the Investigative Panel of the JQC upon appropriate consideration now seeks leave to file a Notice of Amended Formal Charges. A true and correct copy of the Notice of Amended Formal Charges is attached hereto.

6. The first seven charges are unchanged in the proposed Notice of Amended Formal Charges. The proposed amendment revises charge eight (8) and adds two new charges as nine (9) and ten (10).

7. In the original Notice of Formal Charges, charge eight (8) stated:

During the campaign in violation of § 105.071, Florida Statutes, and Canon 7(3)(a), you or close family members, including your spouse, participated in partisan political activities and effectively campaigned on your behalf as a member of a partisan political party, and publicly represented and advertised yourself as a member of a partisan political party by causing the distribution to the voting public of a campaign flyer, which is attached hereto as Exhibit E, in which the Republican Party of Pasco County endorsed you for circuit court judge, effectively identifying you as a member of a partisan political party and the

candidate of a partisan political party, all with your knowledge and consent.

8. In the proposed Amended Formal Charges for charge eight (8) states:

During the campaign in violation of Canon 2A, Canon 7A(3)(a) and Canon 7A(3)(c) and § 105.071, Florida Statutes, you or close family members, publicly represented and advertised that you were a member of a partisan political party by distributing to the voting public campaign literature (attached hereto as Exhibit B), identifying Republican party officials as your supporters, and by causing the distribution to the voting public of a campaign flyer, attached hereto as Exhibit E, in which the Republican Party of Pasco County endorsed you for circuit court judge, effectively identifying you as a member of a partisan political party and the candidate of a partisan political party, all with your knowledge and consent.

9. The proposed Notice of Amended Formal Charges also adds new charges nine (9) and ten (10) respectively, as follows:

During the campaign in violation of Canon 1, Canon 2A and Canon 7A(3)(a) and §§ 106.08(1)(a), 106.08(5) and 106.19(a) and (b), Florida Statutes, your campaign knowingly and purposefully accepted a series of "loans" totaling \$95,800 purportedly made by you to the campaign which were reported as such, but in fact these monies, in whole or in substantial part, were not your own legitimately earned funds but were in truth contributions to your campaign from John Renke, II (or his law firm) far in excess of the \$500 per person limitation on such contributions imposed by controlling law.

During the campaign, in violation of Canon 7A(3)(a) and Canon 7A(3)(d)(iii), you made a deliberate effort to misrepresent your qualifications for office and those of your opponent as detailed in Charges 1 through 7, *supra*, which cumulative misconduct constitutes a pattern and practice unbecoming a candidate for and lacking the dignity appropriate to judicial office, which had the effect of bringing the judiciary into disrepute.

10. On February 11, 2005, the Investigative Panel considered and approved the proposed Notice of Amended Formal Charges. There is clearly good cause for the proposed amendment, and the JQC respectfully submits that the interests of justice require it.

11. For all of the foregoing reasons, this motion should be granted, and the Notice of Amended Formal Charges received.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY a true and correct copy of The Florida Judicial Qualifications Commission's Motion for Leave to File Notice of Amended Formal Charges has been furnished by Facsimile and U.S. Mail to **Scott K. Tozian, Esquire**, Smith & Tozian, P.A., 109 North Brush Street, Suite 200, Tampa, Florida 33602-4163 on this 16th day of February, 2005.

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Attorney